

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

8

Application Number

10/664,008

Filing Date

Sep 16, 2003

First Named Inventor

Sas, Benedikt

Art Unit

1617

Examiner Name

Wang

Attorney Docket Number

4532660/16900

ENCLOSURES (Check all that apply)☐ Fee Transmittal Form☐ Fee Attached☐ Amendment / Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Reply to Missing Parts/
Incomplete Application☐ Reply to Missing Parts under
37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☒ Petition☐ Petition to Convert to a
Provisional Application
☐ Power of Attorney, Revocation
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) _____☐ Landscape Table on CD☐ After Allowance communication to (TC)☐ Appeal Communication to Board of
Appeals and Interferences☐ Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please identify
below):

Declaration, Statement, Consent,

Check & Return Postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name Davis, Brown, Koehn, Shors & Roberts, P.C.

Signature

Printed name

Emily E. Harris

Reg. No.

56201

Date

August 1, 2006

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature

Jeri D. Vestal

Date

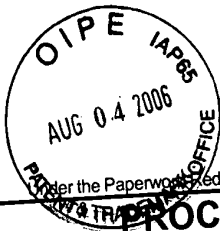
August 1, 2006

Typed or printed name

Jeri D. Vestal

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

In you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PTO/SB/17i (04-05)

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PROCESSING FEE
Under 37 CFR 1.17(i)
TRANSMITTAL

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/664,008
Filing Date	9/16/2003
First Named Inventor	Sas
Art Unit	1617
Examiner Name	Wang
Attorney Docket Number	4532660/16900

Enclosed is a paper filed under 37 CFR § 1.48 (a) that requires a processing fee (37 CFR 1.17(i)).
Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned paper and faxed or mailed to the Office using the appropriate Mail Stop, if applicable. For transmittal of petition fees under 37 CFR 1.17(f), (g) or (h) see form PTO/SB/17p.

Payment of Fees (small entity amounts are NOT available for the processing fees)

- ☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 12-2250 :
☐ processing fee under 37 CFR 1.17(i) ☒ any deficiency of fees and credit any overpayments
Enclose a duplicative copy of this form for fee processing.

- ☒ Check in the amount of \$ 130.00 is enclosed.

- ☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Processing Fees under 37 CFR 1.17(i): Fee \$130 Fee Code 1808 for all, Except for § 1.221 papers (Fee Code 1803)

For papers filed under:

- § 1.28(c)(3) - for processing a non-itemized fee deficiency based on an error in small entity status.
- § 1.41 - for supplying the name or names of the inventor or inventors after the filing date without an oath or declaration as prescribed by § 1.63, except in provisional applications.
- § 1.48 - for correcting inventorship, except in provisional applications.
- § 1.52(d) - for processing a nonprovisional application filed with a specification in a language other than English.
- § 1.53(b)(3) - to convert a provisional application filed under § 1.53(c) into a nonprovisional application under § 1.53(b).
- § 1.55 - for entry of late priority papers.
- § 1.71(g)(2) - to enter an amendment to the specification for purposes of 35 U.S.C. 103(c)(2) if not filed within the cited time periods.
- § 1.99(e) - for processing a belated submission under § 1.99.
- § 1.103(b) - for requesting limited suspension of action, continued prosecution application (§ 1.53(d)).
- § 1.103(c) - for requesting limited suspension of action, request for continued examination (§ 1.114).
- § 1.103(d) - for requesting deferred examination of an application.
- § 1.217 - for processing a redacted copy of a paper submitted in the file of an application in which a redacted copy was submitted for the patent application publication.
- § 1.221 - for requesting voluntary publication or republication of an application. **Fee Code 1803**
- § 1.291(c)(5) - for processing a second or subsequent protest by the same real party in interest.
- § 1.497(d) - for filing an oath or declaration pursuant to 35 U.S.C. 371(c)(4) naming an inventive entity different from the inventive entity set forth in the international stage.
- § 3.81 - for a patent to issue to assignee, assignment submitted after payment of the issue fee.

Signature

Emily E. Harris

Typed or printed name

August 1, 2006
Date56201
Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comment on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Sas

Serial No. 10/664,008

Filed: September 16, 2003

For: The Use of Endoperoxides for the
Treatment of Infections Caused by
Flaviviridae, Including Hepatitis C,
Bovine Viral Diarrhea and Classical
Swine Fever Virus

Group Art Unit: 1617

Examiner: Shengjun Wang

Assistant Commissioner for Patents
Box Non-Fee Amendment
Washington, D.C. 20231

PETITION UNDER 37 C.F.R. §1.48(a) TO ADD A JOINT INVENTOR

Dear Sir:

It is respectfully petitioned that the above-identified patent application be amended to include Johan Neyts as a joint inventor. The application for the patent was made through error and without any deceptive intent.

In support of this petition, the Applicant submits the following:

- A) A verified statement signed by the added inventor stating there was no deceptive intent.
- B) A declaration signed by the inventors indicating the correct inventive entity.
- C) Consent of the Assignee.
- D) The appropriate fee.

08/07/2006 HBERHE 00000022 10664008

01 FC:1464

130.00 OP

Respectfully submitted,

Date: 8/1/06

Emily Harris

Emily E. Harris

Registration No. 56,201

DAVIS, BROWN, KOEHN,

SHORS & ROBERTS, P.C.

666 Walnut St., Suite 2500

Des Moines, Iowa 50309

Telephone: (515) 288-2500

ATTORNEYS FOR APPLICANT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Sas

Serial No. 10/664,008

Filed: September 16, 2003

For: The Use of Endoperoxides for the
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Swine Fever Virus

Group Art Unit: 1617

Examiner: Shengjun Wang

Assistant Commissioner for Patents
Box Non-Fee Amendment
Washington, D.C. 20231

CONSENT OF ASSIGNEE TO ADD NAMED INVENTOR

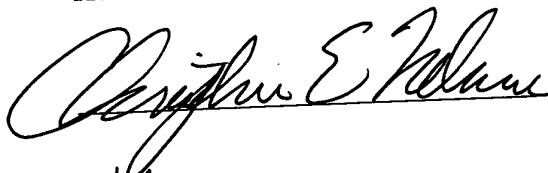
Dear Sir:

Kemin Foods, L.C., the assignee of U.S. Patent Application No. 10/664,008, filed September 16, 2003 in the name of Jan Vandekerckhove, Johan Van hemel, Eric Peys and Benedikt Sas, hereby consents to the addition of Johan Neyts as a named co-inventor in said application.

Respectfully signed,
Kemin Foods, L.C.

Date:

7/16/06


Manager
Position



PATENT APPLICATION

ATTORNEY DOCKET NO. 4532660/16900

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence/post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

The use of Endoperoxides for the Treatment of Infections Caused by Flaviviridae, including Hepatitis C, Bovine Viral Diarrhea, & Classical Swine Fever

the specification of which is attached hereto unless the following box is checked:

(☒) was filed on September 16, 2003 as US Application Serial No. or PCT International Application Number 10/664,008 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose all information which is material to patentability as defined in 37 CFR 1.56

Foreign Application(s) and/or Claim of Foreign Priority

I hereby claim foreign priority benefits under Title 35, United States Code Section 119 of any foreign application(s) for patent or inventor(s) certificate listed below and have also identified below any foreign application for patent or inventor(s) certificate having a filing date before that of the application on which priority is claimed:

COUNTRY	APPLICATION NUMBER	DATE FILED	PRIORITY CLAIMED UNDER 35 U.S.C. 119
			YES: _____ NO: _____

Provisional Application

I hereby claim the benefit under Title 35, United States Code Section 119(e) of any United States provisional application(s) listed below:

APPLICATION SERIAL NUMBER	FILING DATE

U.S. Priority Claim

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NUMBER	FILING DATE	STATUS(patented/pending/abandoned)

POWER OF ATTORNEY:

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) listed below to prosecute this application and transact all business in the Patent and Trademark Office connected therewith

Kent A. Herink, Reg. No. 31025

Send Correspondence to: Kent A. Herink Davis, Brown, Koehn, Shors & Roberts, P.C. The Financial Center 666 Walnut Street, Suite 2500 Des Moines, Iowa 50309-3993	Direct Telephone Calls To: Kent A. Herink 515-288-2500
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon

Full Name of Inventor: Benedikt Sas

Citizenship: Belgian

Residence: Kwakkelstraat 71, Stekene Belgium 9190

Post Office Address: Same

Inventor's Signature 

Date 14/7/2008

#1285827

DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION (continued)

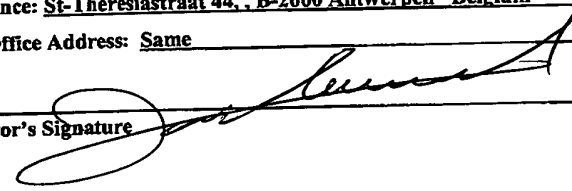
ATTORNEY DOCKET NO. 4532660/16900

Full Name of Inventor: Johan Van hemel

Citizenship: Belgian

Residence: St-Theresiastraat 44, B-2600 Antwerpen Belgium

Post Office Address: Same

Inventor's Signature 

Date

July 13, 2006

Full Name of Inventor: Jan Vandekerckhove

Citizenship: Belgian

Residence: Vosselotstraat 140, B-3271, Zichem, Belgium

Post Office Address: Same

Inventor's Signature 

Date

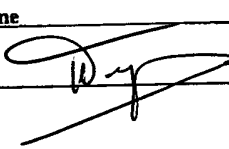
July 13, 2006

Full Name of Inventor: Eric Peys

Citizenship: Belgian

Residence: Ossenbergh 81, 2490 Balen, Belgium

Post Office Address: Same

Inventor's Signature 

Date

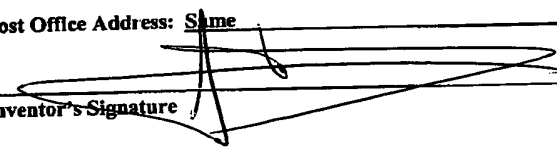
July 13, 2006

Full Name of Inventor: Johan Neyts

Citizenship: Belgian

Residence: Heidebergstraat 278, 3010 Kessel Lo., Belgium

Post Office Address: Same

Inventor's Signature 

Date

July 13, 2006



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Sas) Group Art Unit: 1617
Serial No. 10/664,008)
Filed: September 16, 2003) Examiner: Shengjun Wang
For: The Use of Endoperoxides for the)
Treatment of Infections Caused by)
Flaviviridae, Including Hepatitis C,)
Bovine Viral Diarrhea and Classical)
Swine Fever Virus)

Assistant Commissioner for Patents
Box Non-Fee Amendment
Washington, D.C. 20231

STATEMENT OF ADDED INVENTOR

Dear Sir:

I, Johan Neyts, of Heidebergstraat 278, 3010 Kessel Lo, Belgium am an inventor of patent application, No.10/664,008, filed Sept 16, 2003 in the name of Jan Vandekerckhove, Johan Van hemel, Eric Peys and Benedikt Sas. The error in inventorship occurred without any deceptive intent.

Respectfully signed,

Date: July 19, 2006


Johan Neyts